

Senate File 151

S-3042

1 Amend Senate File 151 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 218.92, Code 2015, is amended
4 to read as follows:

5 **218.92 Patients with dangerous mental disturbances.**

6 When a patient in a state resource center for
7 persons with an intellectual disability, a state mental
8 health institute, or another institution under the
9 administration of the department of human services
10 has become so mentally disturbed as to constitute a
11 danger to self, to other patients or staff of the
12 institution, or to the public, and the institution
13 cannot provide adequate security, the administrator
14 in charge of the institution, with the consent of
15 the director of the Iowa department of corrections,
16 may order the patient to be transferred to the Iowa
17 medical and classification center at Oakdale, if
18 the superintendent of the institution from which the
19 patient is to be transferred, with the support of a
20 majority of the medical staff, recommends the transfer
21 in the interest of the patient, other patients, or the
22 public. If the patient transferred was hospitalized
23 pursuant to sections 229.6 to 229.15, the transfer
24 shall be promptly reported to the court that ordered
25 the hospitalization of the patient, as required by
26 section 229.15, subsection 5. The Iowa medical and
27 classification center at Oakdale has the same rights,
28 duties, and responsibilities with respect to the
29 patient as the institution from which the patient was
30 transferred had while the patient was hospitalized in
31 the institution. The cost of the transfer shall be
32 paid from the funds of the institution from which the
33 transfer is made.

34 Sec. 2. Section 226.30, Code 2015, is amended to
35 read as follows:

36 **226.30 Transfer of dangerous patients.**

37 When a patient of any hospital for persons with
38 mental illness becomes incorrigible, and unmanageable
39 to such an extent that the patient is dangerous to the
40 safety of others in the hospital, the administrator
41 may apply in writing to the district court or to any
42 judge thereof, of the county in which the hospital
43 is situated, for an order to transfer the patient to
44 the Iowa medical and classification center at Oakdale
45 and if the order is granted the patient shall be so
46 transferred. The county attorney of the county shall
47 appear in support of the application on behalf of the
48 administrator.

49 Sec. 3. Section 229.1, subsection 14, paragraph c,
50 Code 2015, is amended to read as follows:

1 c. Any other publicly supported hospital or
2 institution, or part of such hospital or institution,
3 which is equipped and staffed to provide inpatient care
4 to persons with mental illness, except the Iowa medical
5 and classification center established by chapter 904
6 at Oakdale.

7 Sec. 4. Section 331.756, subsection 45, Code 2015,
8 is amended to read as follows:

9 45. Appear on behalf of the administrator of the
10 division of mental health and disability services
11 of the department of human services in support of an
12 application to transfer a person with mental illness
13 who becomes incorrigible and dangerous from a state
14 hospital for persons with mental illness to the
15 Iowa medical and classification center at Oakdale as
16 provided in section 226.30.

17 Sec. 5. Section 690.4, subsection 1, Code 2015, is
18 amended to read as follows:

19 1. ~~The warden of the Iowa medical and~~ appropriate
20 classification center and superintendent of the state
21 training school shall take or procure the taking of
22 the fingerprints, and, in the case of the Iowa medical
23 and classification center at Oakdale only, Bertillon
24 photographs of any person received on commitment to
25 their respective institutions, and shall forward
26 such fingerprint records and photographs within ten
27 days after they are taken to the department of public
28 safety. Information obtained from fingerprint cards
29 submitted pursuant to this section may be retained by
30 the department of public safety as criminal history
31 records. If a charge for a serious misdemeanor,
32 aggravated misdemeanor, or felony is brought against
33 a person already in the custody of a law enforcement
34 or correctional agency and the charge is filed in a
35 case separate from the case for which the person was
36 previously arrested or confined, the agency shall take
37 the fingerprints of the person in connection with the
38 new case and submit them to the department of public
39 safety.

40 Sec. 6. Section 812.6, subsection 2, paragraph a,
41 Code 2015, is amended to read as follows:

42 a. A defendant who poses a danger to the public
43 peace or safety, or who is otherwise not qualified for
44 pretrial release, shall be committed as a safekeeper
45 to the custody of the director of the department of
46 corrections at the Iowa medical and classification
47 center at Oakdale, or other appropriate treatment
48 facility as designated by the director, for treatment
49 designed to restore the defendant to competency. The
50 costs of the treatment pursuant to this paragraph shall

1 be borne by the department of corrections.

2 Sec. 7. Section 901.2, subsection 2, paragraph a,
3 Code 2015, is amended to read as follows:

4 a. The court shall not order a presentence
5 investigation when the offense is a class "A" felony.
6 If, however, the board of parole determines that the
7 ~~Iowa medical and~~ appropriate classification center
8 reception report for a class "A" felon is inadequate,
9 the board may request and shall be provided with
10 additional information from the appropriate judicial
11 district department of correctional services.

12 Sec. 8. Section 903A.5, subsection 1, Code 2015, is
13 amended to read as follows:

14 1. An inmate shall not be discharged from the
15 custody of the director of the Iowa department of
16 corrections until the inmate has served the full term
17 for which the inmate was sentenced, less earned time
18 and other credits earned and not forfeited, unless
19 the inmate is pardoned or otherwise legally released.
20 Earned time accrued and not forfeited shall apply
21 to reduce a mandatory minimum sentence being served
22 pursuant to section 124.406, 124.413, 902.7, 902.8,
23 902.8A, or 902.11. An inmate shall be deemed to be
24 serving the sentence from the day on which the inmate
25 is received into the institution. If an inmate was
26 confined to a county jail, municipal holding facility,
27 or other correctional or mental facility at any time
28 prior to sentencing, or after sentencing but prior to
29 the case having been decided on appeal, because of
30 failure to furnish bail or because of being charged
31 with a nonbailable offense, the inmate shall be given
32 credit for the days already served upon the term of the
33 sentence. However, if a person commits any offense
34 while confined in a county jail, municipal holding
35 facility, or other correctional or mental health
36 facility, the person shall not be granted credit for
37 that offense. Unless the inmate was confined in a
38 correctional facility, the sheriff of the county in
39 which the inmate was confined or the officer in charge
40 of the municipal holding facility in which the inmate
41 was confined shall certify to the clerk of the district
42 court from which the inmate was sentenced and to the
43 department of corrections' records administrator
44 at the ~~Iowa medical and~~ appropriate classification
45 center the number of days so served. The department
46 of corrections' records administrator, or the
47 administrator's designee, shall apply credit as ordered
48 by the court of proper jurisdiction or as authorized by
49 this section and section 907.3, subsection 3.

50 Sec. 9. Section 904.102, subsections 1 and 4, Code

1 2015, are amended to read as follows:
2 1. Iowa correctional institution for women at
3 Mitchellville.
4 4. Iowa medical and classification center at
5 Oakdale.>
6 2. Page 1, line 5, after <women> by inserting <at
7 Mitchellville>
8 3. Page 1, line 16, after <center> by inserting <at
9 Oakdale>
10 4. Page 1, line 17, by striking <women.> and
11 inserting <women at Mitchellville. The director shall
12 also provide facilities and personnel for a diagnostic
13 intake and classification center for juveniles at the
14 Anamosa state penitentiary.>
15 5. Page 1, after line 32 by inserting:
16 <Sec. ____ . Section 904.503, subsections 2 and 3,
17 Code 2015, are amended to read as follows:
18 2. When the director has cause to believe that
19 an inmate in a state correctional institution is
20 mentally ill, the Iowa department of corrections
21 may cause the inmate to be transferred to the Iowa
22 medical and classification center at Oakdale, or to
23 another appropriate facility within the department,
24 for examination, diagnosis, or treatment. The inmate
25 shall be confined at that center or facility or a
26 state hospital for persons with mental illness until
27 the expiration of the inmate's sentence or until the
28 inmate is pronounced in good mental health. If the
29 inmate is pronounced in good mental health before the
30 expiration of the inmate's sentence, the inmate shall
31 be returned to the state correctional institution until
32 the expiration of the inmate's sentence.
33 3. When the director has reason to believe that
34 a prisoner in a state correctional institution,
35 whose sentence has expired, is mentally ill, the
36 director shall cause examination to be made of the
37 prisoner by competent physicians who shall certify to
38 the director whether the prisoner is in good mental
39 health or mentally ill. The director may make further
40 investigation and if satisfied that the prisoner is
41 mentally ill, the director may cause the prisoner to
42 be transferred to one of the hospitals for persons
43 with mental illness, or may order the prisoner to be
44 confined in the Iowa medical and classification center
45 at Oakdale.>
46 6. Title page, line 2, after <women> by inserting
47 <and at the Anamosa state penitentiary>

RICH TAYLOR
